

**IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

UNITED STATES OF AMERICA

v.

BENJAMIN L. VANBUREN

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CR. NO. 2:06-CR-148-WHA-03

**UNITED STATES' MOTION FOR DOWNWARD DEPARTURE
FOR SUBSTANTIAL ASSISTANCE**

Comes now the United States of America, by and through Leura Garrett Canary, United States Attorney for the Middle District of Alabama, pursuant to Section 5K1.1 of the United States Sentencing Guidelines, and moves for a downward departure, in the sentence of the above styled defendant, and as reasons therefore, submits the following:

1. The United States herein states that the defendant has made a good faith effort to provide substantial assistance in the investigation and prosecution of other persons who have committed criminal offenses in the Middle District of Alabama.
2. The nature and extent of the defendant's assistance includes providing truthful information to law enforcement authorities which has been useful in the investigation of others who are involved in illegal narcotics activities. The defendant is also willing to testify when and if called upon to do so.
3. The United States submits that the defendant has been truthful with the United States and to the law enforcement officers that he has been assisting and made his willingness to do so known at an early date.

Wherefore, premises considered, the United States moves this Honorable Court for a downward departure from a guideline level 27 to a guideline level 14 and to sentence the

defendant to a sentence of 18 months on counts one and five and then to sentence defendant to an additional term of imprisonment of 60 months to be served consecutively to the sentence imposed in counts one and six.

WHEREFORE, the United States respectfully requests that this Motion be granted.

Respectfully submitted this the 7th day of September, 2007.

LEURA G. CANARY
UNITED STATES ATTORNEY

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CERTIFICATE OF SERVICE

I hereby certify that on September 7, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to Jeffery C. Duffey, 600 South McDonough St., Montgomery, Al 36104.

Respectfully submitted,

/s/ Stephen P. Feaga
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